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5 6	Attorneys for Defendant FILBERTO GONZALEZ				
7					
8	IN THE UNITED STATES	IN THE UNITED STATES DISTRICT COURT			
9	FOR THE NORTERN DISTRICT OF CALIFORNIA				
10					
11	UNITED STATES OF AMERICA,	}	No. CR 05-413 SBA		
12	Plaintiff,	{	STIPULATION AND		
13	V.	}	ORDER FOR PRESERVATION OF		
14	FILIBERTO GONZALEZ,)	RECORDINGS		
15	Defendant.)			
16					
17	During the course of the criminal investig	ation	underlying the charges in this action		
18	law enforcement officers on two occasions directed	ed off	icers with the Contra Costa Sheriff's		
19					
20	Department to stop a vehicle allegedly driven by defendant Filiberto Gonzalez. This				
21	occurred on March 1, 2005 and on March 15, 200)5.			
22	By California law, certain radio transmission	ons in	volving law enforcement agencies		
23					
24	are recorded and those recordings preserved for a	limite	ed amount of time. Absent court		
25	order or as otherwise agreed by the law enforcement	ent ag	ency involved, those recordings are		
26	thereafter destroyed.				
27					
28					

Stipulation for Preservation of Recordings

It is believed that there may be radio transmissions regarding each of the above 1 detentions of defendant Gonzalez by law enforcement officers. Those radio transmissions 2 3 (and related printouts) are in the custody of the Communications Department of the Contra 4 Costa County Sheriff's Department. The Director of that Department has informed Scott A. 5 Sugarman, attorney for defendant Gonzalez, that she currently has such recordings but that 6 7 they will be destroyed absent court order. 8 To preserve such evidence for possible use in this pending matter, the parties 9 STIPULATE that this Court should issue an Order directing the Communications 10 11 Department of the Contra Costa County Sheriff's Department to preserve, for one year or 12 until further order of the court, all recordings (regardless of medium) and related printouts of 13 radio communications or electronic communications between officers or between officer and 14 15 dispatch, regardless of the channel on which such communications were made, regarding or 16 related to the following: 17 1) on March 1, 2005, at approximately 3:01 p.m., a car stop by Contra Costa County 18 Sheriff's Deputy Shrader of Filiberto Gonzalez Gomez near Highway 4 and Highway 680. 19 including subsequent meeting between Deputy Shrader and officers associated with WESTNET approximately an hour later; and 20 2.1 2) on March 15, 2005, at approximately 8:54 p.m., a car stop by Contra Costa County Sheriff's Officer Roberts of Filiberto Gonzalez, near Highway 4 and Willow Pass Road. 22 23 It is further STIPULATED that a copy of all such recordings and related printouts shall be 24 provided to counsel for all parties. 25 So Stipulated. 26 DATED: 27 Scott A. Sugarman 28 Attorney for Filiberto Gonzalez

1				
2	DATED: /sShaun Halbert			
3	Attorney for Martiniano Arcigaleon			
4				
5	DATED:/s			
6	Brian Stretch Assistant United States Attorney			
7	Assistant Onited States Attorney			
8	ORDER			
9				
0	GOOD CAUSE APPEARING, the Communications Department of the Contra Cost			
1	County Sheriff's Department is hereby ORDERED to preserve, for one year or until further			
2	order of the court, all recordings (regardless of medium) and related printouts of radio			
3				
4	communications or electronic communications between officers or between officer and			
5	dispatch, regardless of the channel on which such communications were made, regarding or			
6	related to the following:			
7				
8	1) on March 1, 2005, at approximately 3:01 p.m., a car stop by Contra Costa County Sheriff's Deputy Shrader of Filiberto Gonzalez Gomez near Highway 4 and Highway 680, including subsequent meeting between Deputy Shrader and officers associated with WESTNET approximately an hour later; and			
9				
20				
21	2) on March 15, 2005, at approximately 8:54 p.m., a car stop by Contra Costa County			
22	Sheriff's Officer Roberts of Filiberto Gonzalez, near Highway 4 and Willow Pass Road.			
23	It is further ORDERED that Communications Department of the Contra Costa County			
24	Sheriff's Department shall provide a copy of all such recordings and related printouts to			
25				
26	counsel for all parties.			
27	DATED: 8/29/05 s/ Saundra Brown Armstrong UNITED STATE DISTRICT JUDGE			
28	OMITED STATE DISTRICT JUDGE			